IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 22788 of 2005

Between:

Challa Venudhar Reddy, S/o Ram Reddy,
R/o Timmapuram Village, Aravapally Mandal,

Nalgonda District

..... PETITIONER

AND

1. The District Collector Nalgonda District, Nalgonda
and two others.

...RESPONDENTS

* * *

ORDER:

The writ petition has been filed to declare the action of the Election Officer, Primary Agricultural Cooperative Credit Society, Timmapuram, Aravapally Mandal, Nalgonda district, in rejecting the nomination of the petitioner for Ward No.12 of Timmapuram PACS, as illegal and arbitrary and to direct the second respondent to treat his nomination for the post of Director for Ward No.12 of Timmapuram PACS.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader for Cooperation.

3. The petitioner filed his nomination for Ward No.12 as well as Ward No.10 of Timmapuram PACS. The last day for filing nominations was 18.10.2005, the date of scrutiny was 19.10.2005 and the date of withdrawal of nomination was 20.10.2005. It is stated that petitioner intends to contest for the post of Director in Ward No.12 of Timmapuram PACS. But, by way of abundant caution he filed a nomination for Ward No.10 apart from Ward No.12. The petitioner is entitled to contest only from one ward but not for both the wards under the relevant rules. But the nomination of the petitioner for Ward No.12 was rejected even before the date of withdrawal. On the date of scrutiny i.e., 19.10.2005 he questioned the said action of the election authority. The last date for withdrawal of nomination was 20.10.2005. The rejection is only on the ground that he filed nominations for two wards, as the candidate is entitled to contest only for one ward and therefore, his nomination for ward No.12 was rejected.

4. I am of the opinion that the said rejection by the Election Officer is contrary to Rule 22 of the Andhra Pradesh Co-operative Societies Act, 1964. As per the said Act a candidate is entitled to file nomination in Form-II. There is no prohibition in any of the rules prohibiting filing nomination for more than one ward. The prohibition is only to contest for more than one ward, and therefore, the Election Officer cannot restrict the right of a person to file for only one ward, that too, even before the date of withdrawal. Therefore, I am of the opinion that the action of the Election Officer in rejecting the nomination of the petitioner from contesting for ward No.12 is illegal and arbitrary.

5. The petitioner submits that his nomination for ward No.10 may be treated as withdrawn and his nomination for ward No.12 may be treated as a valid nomination.

6. Having regard to the facts and circumstances of the case, the writ petition is allowed. The notice issued by the Election Officer, Timmapuram PACS, rejecting the nomination of the petitioner to the post of Director for Ward No.12 is set aside and the nomination filed by the petitioner for Ward No.12 may be treated as valid and the nomination filed by the petitioner for Ward No.10 may be treated as withdrawn and the petitioner may be permitted to contest for the post of the Director of the Managing Committee for Ward No.12 of Timmapuram PACS. No costs.

V.ESWARAIAH, J.

Date: 24th October 2005.

BSB